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REMARKS

The Applicant thanks the Examiner for indicating that claims 2-8 and 10-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. In accordance with this indication, claim 2 is now rewritten in independent form as new claim 18 and this new claim is believed to be allowable. As new claims 19-24 all depend, either directly or indirectly from newly entered claim 18, those dependent claims are also believed to be allowable for at least the same reasons.

Claims 1 and 9 are rejected, under 35 U.S.C. § 102(b), as being anticipated by Clark et al. '424. The Applicant acknowledges and respectfully traverses the raised anticipatory rejection in view of the following remarks.

Clark '424 relates to a door mounted circuit breaker operating apparatus. The apparatus has a handle 130 mounted on the outside of the door 106 of the enclosure 102. When the door 106 is in its closed position, the handle 130 is coupled with a drive shaft 108 which, in turn, communicates with a lifter 280. Rotation of the lifter 280 causes a slide 132 to move from its "off" position (see Fig. 30) to its "on" position (see Fig. 32). Such translation of the slide 132 operates a toggle 136 of circuit breaker 100. The lifter 280 can only be driven by the drive shaft 108 when the door is closed, because the drive shaft 180 is only engaged with the hand lever 130, located outside the door, when the door is in its closed position.

Accordingly, the circuit operating apparatus of Clark '424 only allows a person to remotely turn the circuit breaker "on" and "off" when the door 106 of the enclosure 102 is in its closed position. Moreover, the apparatus according to Clark '424 prevents the door 106 from being opened while the circuit breaker 100 is turned on (column 6, lines 1-10).

Furthermore, it is respectfully submitted that the "secondary handle 280," as asserted by the Examiner, is distinctly different from the presently claimed secondary handle. In particular, the "secondary handle 280," according to Clark '424, does not allow a person to open the circuit breaker enclosure and thereafter manually turn the circuit breakers "on" or "off" by operation of the secondary handle, as with the presently claimed invention. According to

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Clark '424, the door of circuit breaker enclosure must be closed in order for the circuit breakers to be turned either "on" and/or "off". Further, the lifter 280, i.e., the "secondary handle 280", cannot be directly rotated by hand action in the event that the door is open. The secondary handle 11, 11', according to the presently claimed invention, on the other hand, may be directly rotated by hand action of a person, even if the door is open, once a person provides a sufficient pushing motion to the secondary handle 11, 11'.

In addition, the slide 132 of Clark '424 allows use of an optional padlock 290 in order to lock the slide 132 in the "off" position when the door is open to insure that any downstream electrical wiring is not inadvertently activated (column 7, lines 6-12). It is respectfully submitted that the slide 132, according to Clark '424, is distinctly different from the locking mechanism of the presently claimed invention. That is, according to the presently claimed invention, when the locking mechanism is in a locked position, the locking mechanism automatically prevents the shutdown device from being switched via movement of the secondary handle when the door is open and, when the locking mechanism is in an unlocked position and the door is closed, automatically allows the shutdown device to be switched by the principal handle. The locking mechanism of the presently claimed invention is arranged such that, when the door is open, the locking mechanism can be unlocked merely by pushing on the secondary handle along the axis of the control shaft.

In order to emphasize the above noted distinctions between the presently claimed invention and the applied art, independent claims 17, 18 and 25 of this application now recite the features of a locking means attached to the control shaft (6, 6') and positioned to be moveable between a locked position, in which the locking means prevents switching of the shutdown device (1, 1') via movement the secondary handle (11, 11') when the door (5) is open, and an unlocked position, in which switching of the shutdown device (1, 1') is permitted via a pushing movement of the secondary handle (11, 11'), when the door (5) is open, and via a corresponding pushing movement of the principal handle (7), when the door (5) closed. Such features are believed to clearly and patentably distinguish the presently claimed invention from all of the art of record, including the applied art.

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If any further amendment to this application is believed necessary to advance prosecution and place this case in allowable form, the Examiner is courteously solicited to contact the undersigned representative of the Applicant to discuss the same.

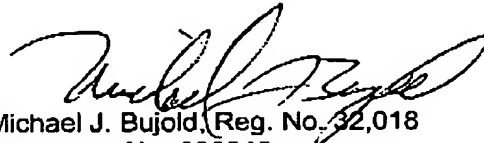
In view of the above amendments and remarks, it is respectfully submitted that all of the raised rejection(s) should be withdrawn at this time. If the Examiner disagrees with the Applicant's view concerning the withdrawal of the outstanding rejection(s) or applicability of the Clark '424 reference, the Applicant respectfully requests the Examiner to indicate the specific passage or passages, or the drawing or drawings, which contain the necessary teaching, suggestion and/or disclosure required by case law. As such teaching, suggestion and/or disclosure is not present in the applied references, the raised rejection should be withdrawn at this time. Alternatively, if the Examiner is relying on his/her expertise in this field, the Applicant respectfully requests the Examiner to enter an affidavit substantiating the Examiner's position so that suitable contradictory evidence can be entered in this case by the Applicant.

In view of the foregoing, it is respectfully submitted that the raised rejection should be withdrawn and this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

The Applicant respectfully requests that any outstanding objection(s) or requirement(s), as to the form of this application, be held in abeyance until allowable subject matter is indicated for this case.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,



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